

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

BANK OF BOZEMAN; DAKOTA  
WESTERN BANK; BANK OF  
HAZELTON; BANK FORWARD,  
formerly known as Security State  
Bank of North Dakota; WADENA  
STATE BANK; and MCVILLE  
STATE BANK,

Plaintiffs,

vs.

BANCINSURE, INC., an  
Oklahoma corporation,

Defendant.

CV-08-05-BU-CSO

ORDER

Shortly after oral argument on pending motions, Plaintiff Banks  
filed a “Supplemental Brief RE: Authorized Representative.” Court’s

Doc. No. 103. BancInsure objected to Plaintiff Banks' filing. Court's Doc. No. 104.

BancInsure notes that Plaintiff Banks failed to obtain the Court's leave to file the additional brief in violation of Local Rule 7.1(d)(1)(D), which provides that a party must obtain leave to file supplemental briefs. BancInsure asks that the Court "reject Plaintiffs' supplemental brief in ruling on the pending motions" or, alternatively, allow BancInsure to respond to Plaintiff Banks' supplemental brief.

Plaintiff Banks did indeed fail to seek the Court's leave to file a supplement brief as required by L.R. 7.1(d)(1)(D). The Court generally strictly adheres to the requirements of the Local Rules because doing so promotes order and fairness. Although the clearly better course would have been for Plaintiff Banks to seek leave to file the supplemental brief, the Court will consider the improperly filed brief and allow BancInsure to respond.

Accordingly, IT IS ORDERED that BancInsure may file a response to Plaintiff Banks' Supplemental Brief RE: Authorized Representative by June 26, 2009. No further briefing on the pending

motions shall be filed.<sup>1</sup>

DATED this 19<sup>th</sup> day of June, 2009.

/s/ Carolyn S. Ostby

Carolyn S. Ostby

United States Magistrate Judge

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<sup>1</sup>BancInsure also filed on June 18, 2009, its objection to Plaintiff Banks' reply brief filed in support of their motion in limine. The Court declines BancInsure's request to reject the reply brief on the basis of untimeliness because Plaintiff Banks did not untimely file it. See Fed. R. Civ. P. 6(d).